

Issued October 27, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATIONCOUNTY OFFICE INSTRUCTIONS - BURLEY, DARK AIR-CURED AND
FIRE-CURED TOBACCO MARKETING QUOTAS (1941-42 MARKETING YEAR)LIBRARY
RECEIVED

★ OCT 30 1941 ★

U. S. Department of Agriculture

As used in these instructions tobacco means Burley, Dark Air-cured, and Fire-cured tobacco as applicable. County offices will have the following responsibilities in connection with tobacco marketing quotas:

1. Determination of 1941 harvested acreage;
2. Determination of yield;
3. Preparation of listing sheets;
4. Checking of tobacco disposed of without marketing;
5. Issuance of marketing cards and reporting loss, destruction, or theft of marketing cards;
6. Issuance of memoranda of sale;
7. Assembling memoranda of sale and reporting indicated violations; and
8. Preparation of applications for return of penalties paid.

1. Determination of 1941 Harvested Acreage. The acreage of Burley, dark air-cured, and fire-cured tobacco harvested on each farm in the county shall be determined in accordance with the procedure for the determination of performance. The harvested acreage shall be determined prior to issuance of the marketing cards for the farm. If there is produced on any farm tobacco which has the same general characteristics as Burley tobacco, but the farm operator represents it to be other than Burley tobacco, no marketing card shall be issued and all the facts shall be referred to the State office.

2. Determination of Yield. For each farm on which the harvested acreage of tobacco is determined to be in excess of the tobacco allotment and for any other farm for which an excess marketing card is to be issued, the county committee shall determine the estimated yield per acre to be entered in Column 10, Form 41-Tob-55, Excess Listing Sheet. Such estimate shall be made by a member of the county committee or by a person designated by the committee. The person estimating the yield shall visit the farm and, if possible, obtain the farm operator's concurrence in the estimate. The farm operator shall be advised that he will be required to furnish proof of the disposition of the estimated production for the farm and that no credit will be given for any excess tobacco disposed of in any manner other than that properly identified by memoranda of sale unless such disposition is made under the supervision of the county committee or some person designated by the committee.

3. Preparation of Listing Sheets. The county office shall prepare Form 41-Tob-54, "Within Quota Listing Sheet" entering thereon data for all farms in the county for which a tobacco allotment was determined or tobacco was harvested therefrom in 1941. After Form 41-Tob-54 has been prepared, a line shall be drawn through the data and the words "See Form 41-Tob-55" shall be inserted immediately above for; (1) each farm on which the harvested acreage of tobacco is in excess of the tobacco acreage allotment for the farm; (2) each farm on which the harvested acreage of tobacco is within the allotment but which is operated by a person who also operated any other farm on which the harvested acreage of tobacco is in excess of the farm acreage allotment; and (3) each farm on which the harvested acreage of tobacco is within the allotment but the county committee determines that an excess marketing card should be issued for the farm in order to protect the interests of the Government by insuring the proper identification and disposition of the tobacco produced on the farm. Data lined through on Form 41-Tob-54, as indicated above, shall be listed on Form 41-Tob-55, "Excess Listing Sheet".

If the official notice of the farm acreage allotment issued for any farm shows an allotment which was erroneous in that it was larger than the allotment intended to be stated in the notice and the error was of such a nature that the operator could not reasonably have been expected to discover in time to have it corrected before his planting was completed and the operator relying solely upon such notice, in good faith planted an acreage of tobacco in excess of the acreage allotment for the farm which was intended to be stated in such notice but not in excess of the acreage stated in such erroneous notice, the allotment stated in the erroneous notice shall be used for all purposes in connection with the tobacco marketing quota for the 1941-42 marketing year.

Preparation of Within Quota Listing Sheet

The kind of tobacco shall be shown in the upper right corner and entries shall be made in columns 1 through 9, Form 41-Tob-54, as follows:

Column number and heading	:	Source of Entry
1. Farm serial number	:	Form 40-Tob-51 or Form 41-Tob-34
2. Name of operator	:	Form 40-Tob-51 or Form 41-Tob-34
3. Acreage allotment	:	Form 40-Tob-51 or Form 41-Tob-34
4. Normal yield	:	Form 40-Tob-51 or Form 41-Tob-34
5. Normal production	:	Column 3 times column 4
6. Estimated production	:	See instructions below <u>1/</u>
7. Harvested acreage	:	Performance Report
8. Total sales <u>2/</u>	:	Memoranda of sale
9. Actual yield per acre	:	Column 8 divided by column 7

Columns 3, 5, 6, 7 and 8 shall be totaled on each page of Form 41-Tob-54. These totals shall not include any entries which have been lined through.

Entries in columns 1 through 7 shall be made prior to the issuance of the marketing card. Entries in columns 8 and 9 should be made as soon as the information is available.

-
- 1/ The county committee shall review carefully the data for each farm and in any case where it has reason to believe that the actual production of tobacco on the farm in 1941 is materially greater or less than the normal production in column 5, an estimated production shall be determined by the committee for such farm and entered in Column 6.
- 2/ If there is any tobacco produced on the farm in 1941 which will be carried over to future marketing years or if there was any tobacco marketed during the 1941-42 marketing year which was produced in a prior year, the entry in column 8 should be deleted and there should be entered therein the sum of the entry in column 8 and any tobacco which will be carried over minus any tobacco carried over from a preceding crop and marketed in 1941.

Preparation of Excess Listing Sheet

The kind of tobacco shall be shown in the upper right corner and entries shall be made in columns 1 through 17, Form 41-Tob-55, as follows:

Column number and heading	:	Source of Entry
1. Farm serial number	:	Form 41-Tob-54
2. Name of operator	:	Form 41-Tob-54
3. Acreage allotment	:	Form 41-Tob-54
4. Harvested Acreage	:	Performance Report
5. Excess acreage	:	Column 4 minus column 3
6. Percent excess acreage	:	Column 5 divided by column 4 <u>1/</u>
7. Normal yield	:	Form 41-Tob-54
8. Normal production	:	Column 3 times column 7
9. Estimated production	:	Column 4 times column 10
10. Estimated yield per acre	:	See Sec. 2 of these instructions
11. Preliminary quota	:	See instructions below <u>2/</u>
12. Pounds marketed <u>3/</u>	:	Memoranda of sale
13. Pounds unmerchantable	:	Report on file
14. Pounds stored	:	Report on file
15. Actual production	:	Sums of columns 12, 13 and 14
16. Actual yield per acre	:	Column 15 divided by column 4
17. Final quota	:	Column 16 times smaller column 3 or 4

1/ The percentage to be entered in column 6 shall be expressed as a whole percentage and fractions shall be disregarded except that in cases where the computed percentage is less than one percent, the entry in column 6 shall be expressed to the nearest tenth of a percent.

2/ Entries shall be made in column 11 only for those farms on which there is no excess acreage but for which an excess card is issued, and for those farms wherein the county committee determines that a preliminary quota should be assigned to the marketing card to prevent the marketing under this card tobacco produced on a different farm. If the county committee determines that the preliminary quota for a farm is less than the actual production of tobacco on the farm, the committee shall revise the estimated yield to the actual yield for the farm and additional quota shall be issued accordingly.

3/ If the entry in column 12 includes any tobacco which was carried over from a previous marketing year, delete the entry in column 12 and insert therein the result obtained by subtracting the pounds of tobacco carried over from the deleted entry.

Entries in columns 1 through 11 shall be made prior to the issuance of the marketing card. Entries in columns 12 through 17 should be made as soon as the information is available.

Columns 3, 4, 5, 8, 9, 11 through 15, and 17 should be totaled on each page of Form 41-Tob-55.

If the county office records indicate that the operator of any farm on which the harvested acreage exceeds the allotment is also the operator of a farm in another county, the county office of such other county shall be promptly notified in order that excess marketing cards may be issued for the operator's farms in that county.

4. Checking of Tobacco Disposed of Without Marketing.

Disposition of excess tobacco on any farm shall be acceptable only if disposed of under the supervision of the county committee or some other person designated by the county committee. Cases involving disposition of excess tobacco shall be handled as follows:

- (a) If the excess acreage of tobacco was disposed of on any such farm within 15 days after date of mailing of the notice of excess to the farm operator and prior to the harvesting of the crop a Within Quota Marketing Card may be issued to the farm operator, if otherwise eligible.
- (b) If the excess acreage of tobacco was not disposed of on any farm within 15 days after date of mailing of the notice of excess to the farm operator but such excess tobacco was disposed of prior to harvesting of the crop an Excess Marketing Card, showing "zero percent excess", will be issued to the farm operator and the tobacco is eligible to be placed under loan.
- (c) If the excess acreage of tobacco was not disposed of as outlined in (a) or (b) above, the tobacco produced on the excess acreage may be disposed of (so as to be returned to the land on the farm) in the presence of a committeeman who shall determine that the amount disposed of is representative of the tobacco crop and equivalent to that amount produced on the excess acreage.

If the excess production was due solely to the inability of the county office to check performance on the farm and such excess was disposed of, in accordance with this paragraph, within 15 days after notice of the excess was mailed to the farm operator and such excess was not more than the larger of 0.2 of an acre

or 10 percent of the allotted acreage, the excess acreage of tobacco will be considered as not having been harvested from the farm and a within quota marketing card may be issued to the farm operator, if otherwise eligible.

If the disposition of excess tobacco, in accordance with this paragraph, is not made until more than 15 days after notice is given of the excess acreage an excess marketing card will be issued to the operator of such farm and the tobacco is not eligible to be placed under loan.

- (d) If the excess tobacco is disposed of after the issuance of the marketing card for the farm, a marketing card showing a lesser amount of excess shall not be issued and an application for return of penalty shall be approved only with respect to that part of the tobacco which is representative of the entire crop. The statement with respect to the disposition of such tobacco shall show its appraised value. In the event disposition of the tobacco is by storage, the county committee shall determine the exact amount of tobacco placed in storage, the condition in which stored, the place of storage, and shall appraise the value of such tobacco.

The county committee shall cause a record to be made showing the amount of tobacco (in acres or pounds) disposed of and may require the farm operator (or his representative) to sign a statement, that such record is accurate and complete before giving its approval of such disposition.

8. Issuance of Marketing Cards and Reporting Loss, Destruction or Theft of Marketing Cards. Marketing cards shall be issued in accordance with Sections 5, 6, 10, 11 and 12 of the "Marketing Quota Regulations". Each marketing card shall be carefully checked in the county office to see that no errors or omissions occurred in printing the card.

Within Quota Marketing Cards

The following entries shall be made on each "Within Quota Marketing Card" before it is issued to the farm operator:

- (a) The name and address of the farm operator shall be entered in the space provided on the cover of the marketing card and the name of the operator on each memorandum of sale.
- (b) The allotted acres and the harvested acres shall be entered on the inside cover from columns 3 and 7, respectively, of Form 41-Tob-54.

- (c) The estimated production from column 6 (or column 5 if no entry has been made in column 6) of Form 41-Tob-54 shall be entered in the space provided on the inside of the cover. If the operator requests two or more cards, the pounds assigned to each card shall be entered in the space provided. In such cases the sum of the pounds assigned to all cards must not exceed the estimated production for the farm.
- (d) The name and address of the county association and the farm serial number shall be entered in the space provided on each memorandum of sale; on the "Operator's Receipt for Marketing Card" and on the back cover. (Note: Stamps for this purpose have been furnished county offices for counties having 20 or more tobacco farms.)
- (e) After the marketing card has been prepared as indicated above, the issuing agent shall affix his signature on the cover as required by Section 11 of the Regulations.
- (f) Before the card is delivered to the farm operator, he shall sign the "Operator's Agreement" and the "Operator's Receipt" in the presence of the person delivering the card. The person delivering the card shall sign the "Operator's Agreement" and deliver the card to the farm operator.

If all memoranda of sale in a card are issued and the operator returns the card and requests another card, a new card may be issued as indicated above and in addition there shall be entered in the heading of the column designated "Memorandum No." the words "Brought Forward" and in the heading of the column designated "Pounds this Memorandum" the total pounds sold on the first card.

Excess Marketing Cards

The following entries shall be made on each "Excess Marketing Card" before it is delivered to the farm operator:

- (a) The name and address of the farm operator shall be entered in the space provided on the cover of the marketing card and the name of the operator on each memorandum of sale.
- (b) The estimated actual production shall be entered on the front cover from column 9, Form 41-Tob-55.

- (c) The allotted acres and the harvested acres shall be entered on the inside cover from columns 3 and 4, respectively, of Form 41-Tob-55.
- (d) The name and address of the county association and the farm serial number shall be entered in the space provided on each memorandum of sale; on the "Operator's Receipt for Marketing Card"; and on the back cover.
- (e) The percent excess from column 6, Form 41-Tob-55 shall be entered in the spaces provided on the inside cover of the card and shall be shown in both figures and words. The percent excess, in figures, shall be entered on each memorandum of sale.
- (f) The marketing quota shall be entered from column 11, Form 41-Tob-55. If the marketing quota has been entered on the inside cover of any excess marketing card, memoranda of sale will not be issued from such card for an amount greater than the marketing quota assigned to the card. If the operator requests two or more cards, the pounds assigned to each card shall also be entered in the space provided for the marketing quota. In such cases the sum of the quotas assigned to all cards shall not exceed the marketing quota for the farm.
- (g) Before the card is delivered to the farm operator, he shall sign the "Operator's Agreement" and the "Operator's Receipt" in the presence of the person delivering the card. The person delivering the card shall sign the "Operator's Agreement" and deliver the card to the farm operator.

Farm tobacco identified by memoranda of sale issued from within quota marketing cards shall be eligible for a loan. Farm tobacco identified by memoranda of sale issued from excess marketing cards showing "zero percent excess" shall be eligible for a loan only in the event such card was issued for some reason other than because the operator was also the operator of another farm on which the harvested acres was in excess of the acreage allotment. Farm tobacco identified by memoranda of sale issued from an excess marketing card showing "zero percent excess" shall not be eligible for a loan if such card was issued to the farm operator because he was also the operator of another farm upon which the harvested acreage was in excess of the acreage allotment, and farm tobacco identified by memoranda of sale issued from any excess marketing card showing a percent excess other than zero shall not be eligible for a loan. For any "zero percent excess" card issued for a farm upon which the tobacco produced is eligible for a loan the issuing agent shall write the words "Eligible for Loan" and affix his signature on such card immediately above the serial number of the marketing card.

Each county committee shall designate one person to sign marketing cards for farms in the county as issuing agent. As indicated above, the issuing agent shall sign each marketing card as required by Section 11 of the Regulations prior to its delivery to the farm operator (or his authorized agent) but the marketing card shall not be delivered to the farm operator until he (or his authorized agent) has signed the Operator's Agreement and the receipt therein. The receipt shall be detached from the marketing card and retained in the county office file. It shall be the responsibility of each county association treasurer to account for all marketing cards with either the unused cards or properly executed "Operator's Receipts".

If any marketing card is reported to the county office as having been lost, destroyed, stolen or altered, the county office shall immediately notify the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Lexington, Kentucky, in the case of Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia, and the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Box 419, Nashville, Tennessee, in the case of North Carolina, Tennessee and Virginia. If any marketing card which was reported as lost, destroyed, stolen or altered is later received by the county office, the county office shall immediately notify the Marketing Quota Section, c/o State Office as indicated above, of the receipt of such card. All notices with respect to lost, destroyed, stolen or altered marketing cards shall show the serial number of the marketing card, the name of the farm operator and the farm serial number.

6. Issuance of Memoranda of Sale

The issuing agent, or some other person designated by the county committee, will issue memoranda of sale covering sales of tobacco by producers in small lots by mail order or directly to various individuals other than dealers. Such memoranda of sale shall be issued in accordance with the instructions contained in Form 41-Tob-61, Marketing Quota Instructions. The original of Form 41-Tob-64, Bill of Nonwarehouse Sale, covering the sale of any lot of tobacco for which a memorandum of sale is issued by a representative of the county office should be forwarded to the Marketing Quota Section, Agricultural Adjustment Administration, Washington, D. C.

7. Assembling Memoranda of Sale and Reporting of Indicated Violations. The county office shall file the memoranda of sale by farms as received and shall maintain current cumulative totals of the pounds sold. After all memoranda of sale for a farm have been received, the total sales shall be entered in column 8, Form 41-Tob-54, or column 12, Form 41-Tob-55.

If, at any time, it appears that the total marketings of tobacco from a farm are in excess of the estimated actual production of tobacco on the farm, the county committee shall make or cause to be made such investigation as it deems appropriate with a view to determining whether tobacco from any other farm has been marketed under the marketing card for the particular farm, or whether any error was made in determining the acreage of tobacco harvested on the farm. If the county committee determines that a marketing card issued for any farm has been used to market tobacco produced on a different farm, or desires that further investigation be made a detailed report shall be made immediately to the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Lexington, Kentucky, in case of Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia, and the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Box 419, Nashville, Tennessee, in case of North Carolina, Tennessee and Virginia. Such report shall be made on Form 41-Tob-58, if available, or by letter if Form 41-Tob-58, is not available.

If any marketing card is not called for within a reasonable time after the opening of the auction markets, the county committee shall make, or cause to be made, such investigation as necessary to determine if any tobacco produced on the farm is to be marketed. The regulations pertaining to the proper identification of and the accounting for the disposition of tobacco should be explained to the farm operator. A report of such investigation shall be made to the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Lexington, Kentucky, in case of Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia, and the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Box 419, Nashville, Tennessee, in case of North Carolina, Tennessee and Virginia.

If the county committee determines that the marketing quota regulations are being violated in any way, a detailed report of such violation should be forwarded immediately to the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Lexington, Kentucky, in case of Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia, and the Marketing Quota Section, c/o State Office, Agricultural Adjustment Administration, Box 419, Nashville, Tennessee, in case of North Carolina, Tennessee and Virginia.

8. Preparation of Applications for Return of Penalties Paid.

Whenever marketings of tobacco from any farm have been completed, the county office shall, in the case of farms on which the harvested acreage did not exceed the acreage allotment, add the total marketings as shown on all memoranda of sale for the farm and the marketing card and complete the entries on Form 41-Tob-54. In the case of farms for which Excess Marketing Cards are issued the county office shall likewise obtain a total of the tobacco marketed and shall prepare a report showing the disposition of the excess tobacco, if any excess tobacco was disposed of other than by marketing.

The operator of any farm having unmarketed excess tobacco may dispose of such tobacco and file an application for return of penalty provided that such unmarketed tobacco is disposed of by use on the farm in a manner satisfactory to the county committee or such unmarketed excess tobacco is stored under arrangements satisfactory to the Agricultural Adjustment Administration. The penalty will be returned only with respect to that part of the poundage of tobacco which is determined to be "representative." In connection with this determination the county committee, in cooperation with the farm operator will determine the poundage of tobacco to be disposed of and will appraise the market value of such tobacco.

If for any farm penalty has been paid in excess of the penalty due and the operator desires to submit an application for return of penalties paid such application shall be filed on Form 41-Tob-74, Application for Return of Penalty. Form 41-Tob-74 will be executed as follows:

- (a) Enter the state and county code and farm serial number in the space provided in the upper right corner.
- (b) Enter in the space provided at the left of the title of the form the date on which the Form 41-Tob-74 was signed by all producers and submitted to the county office.
- (c) Enter in the space provided to the right of the title of the form the kind of tobacco upon which excess penalty has been paid.
- (d) Enter in Table I of Section I in the space provided the name and address of each warehouse at which a sale was made or the name and address of each buyer for nonwarehouse sales and, in the spaces provided thereunder, the serial number and date of each memorandum of sale issued covering a sale of tobacco at that warehouse or to that buyer.
- (e) Enter in the spaces provided in columns A and B of Table II, Section I, the name and address of each person applying for the return of penalty paid with respect to the farm. Where the amount shown in column C should be paid to one person, the name and address and signature of such person should be shown in column A and a line should be drawn through the space in column B. Where the amount should be paid jointly to two persons the name, address and signature of such person should be shown in column A and the name and signature of the other person in column B. The making of payments to each person separately or as to joint payees should be left to the choice of

the farm operator and other persons who are entitled to share with him in the payment.

- (f) Enter in column C of Table II of Section I, the amount to be repaid to each applicant and total money to be returned. The division of the amount of penalty to be returned shall be determined upon the basis of agreement of all producers on the farm who paid penalty. Such agreement shall be indicated by the signature of all such producers on Form 41-Tob-74. If the producers fail to agree, the county committee shall make such division upon the basis of all available information. If any producer cannot be located or refuses to sign the application, a statement of the facts in the case, signed by the county committee, shall be attached to the application when submitted to the Marketing Quota Section.

The instructions contained in ACP-16 with respect to producer's signatures shall be followed in executing Form 41-Tob-74.

- (g) Enter in the applicable spaces in Section II
- (1) Acreage allotment
 - (2) Harvested acres
 - (3) Percent excess, and
 - (4) Penalty paid
- Such entries shall be the same as those appearing on the marketing card and memoranda of sales issued for the farm.
- (h) Enter in item 1, Section III the total pounds marketed from the farm.
- (i) Enter in item 2, Section III, the gross value of all tobacco marketed from the farm.
- (j) Enter in item 3 of Section III the total pounds produced which will not be marketed.
- (k) Enter in item 4 of Section III the county committee's appraised value of all of the tobacco which will not be marketed.
- (l) Enter in item 5 of Section III the average price for the entire crop. Such average shall be determined by dividing the sum of items 2 and 4 by the sum of items 1 and 3.
- (m) Enter in item 6, Section III, the number of pounds of representative tobacco which will not be marketed. This entry is determined by dividing the entry appearing in item 4 by the entry appearing in item 5.

- (n) Enter in item 7 the percent within quota (that is 100 percent minus the entry appearing in item C of Section II). If the penalty is being returned for any reason other than the disposal of excess tobacco, no entries need be made in items 2 to 7 inclusive.
- (o) Enter in item 8 the penalty to be returned. The amount of penalty to be returned is obtained by multiplying the entry in item 7 by the entry in item 6 times the rate of penalty.
- (p) Enter in item 9 a detailed explanation of the reasons the penalty is to be returned. If sufficient space is not available in item 9 an additional statement shall be submitted by the county committee.
- (q) A member of the county committee shall affix his signature and the date in Section V.
- (r) The carbon copy of the application shall be retained in the county office and the original shall be forwarded to the State office.

The examples shown in the work sheet below will illustrate the method of determining the poundage of representative tobacco and the amount of penalty which may be returned.

WORK SHEET

Name of Farm Operator		Farm Serial Number	
Farm Data		Example 1	Example 2
a. Acreage allotment		5.0	6.0
b. Harvested acreage		10.0	10.0
c. Percent excess		70%	40%

Item Headings (Column A)	Source of Entry (Column B)	Examples (Column C)	
		Farm 1	Farm 2
1. Total pounds marketed	Memoranda of Sale	5,000	8,500
2. Gross value of marketings	" " "	\$1,000.00	\$1,275.00
3. Total pounds disposed of	Committee determina- tion	5,000	1,500
4. Value of tobacco dis- posed of	Appraisal	\$250.00	\$75.00
5. Average price for crop	Item 2 ÷ 4 ÷ Item 1 ÷ 3	12.5	13.5
6. Pounds of representa- tive tobacco on hand	Item 4 + Item 5	2,000	555
7. Percent within quota	100% minus "percent excess"	30%	60%
8. Penalty to be returned	Item 7 x Item 6 x 10 cents Burley 5 cents Fire-cured & Dark Air-cured	\$60.00 \$30.00	\$33.30 \$16.65